

Victim Law Day: Seeking Justice for Victims and Enforcing their Rights

Friday, November 15, 2019
APAAC Training Room
1951 W Camelback Rd., Unit 202,
Phoenix, Arizona



Keepin' It Legit: Why Victims' Rights Compliance Matters

Presented by:

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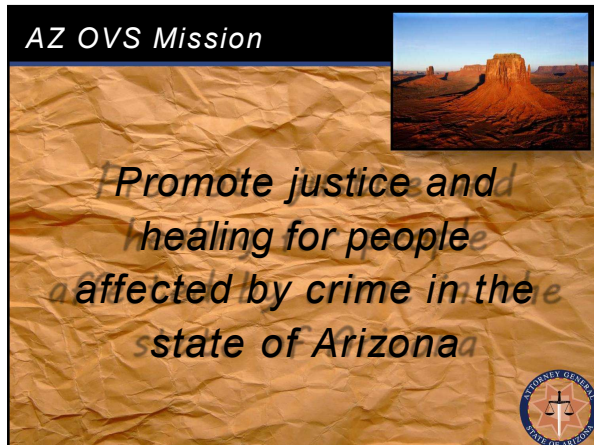
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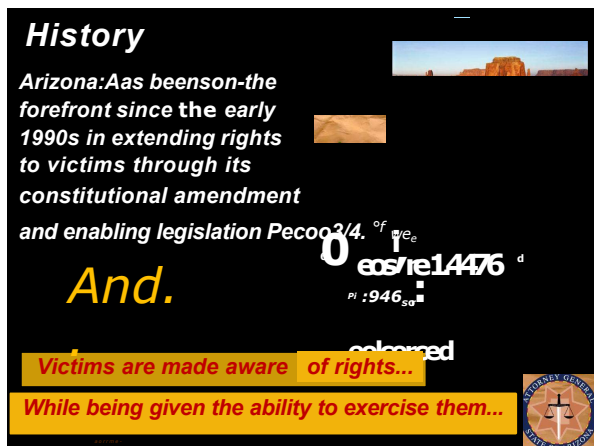
ELIZABETH BURTON ORTIZ
EXECUTIVE DIRECTOR



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History

1994




Arizona Auditor General, under legislative mandate, audited four county victim/witness programs

1996-1997

Attorney General's Office of Victim Services

Program Authorization Review

BY: Governor's Office of Strategic Planning and Budgeting
Joint Legislative Budget Committee








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History

Meaningful recourse for victims when their rights have been violated

Some sort of enforcement of victims' rights laws and accountability of those responsible for providing em

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History

"Institute mechanisms to monitor the provision of victims' rights by criminal justice officials whose duty is to implement the law, and provide a means by which victims who are denied their rights can enforce those rights."

National Institute of Justice
Research in Brief
January 1998, December 1998

Issues and Findings
Discussed in this Brief: The impact of legal protection on crime victims' rights. This survey of more than 1,300 crime victims, the largest of its kind, was conducted by the National Center for Victims of Crime to find out whether state constitutional amendments...

The Rights of Crime Victims—Does Legal Protection Make a Difference?
by Dean G. Riquelme, David Buttry, and Susan Smith Hensley

The President's Task Force on Victims of Crime came out in its 1982 Final Report... the latter issue is important is that victims who view the criminal justice system...





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History

As a result...

1999
Victims' Rights
Enforcement Officer
was established and
continues today as
the State Victims'
Rights Administrator
for Compliance



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**State Victims'
Rights
Administrator
For Compliance**



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Compliance Administrator

**Promotes rustic
agencies'-----"
compliance with
victims' rights
mandates by:**

Auditing agencies and making
recommendations to resolve any
non-compliance discovered
through audits

Receiving and responding to
victims' complaints and
allegations of victims' rights
violations



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Compliance Administrator
Not a victim advocate...

Advocate for compliance with victims' rights

I ♥ COMPLIANCE

Receives and examines complaints in a neutral and unbiased manner, and facilitates resolution in furtherance of the law

Information provided is not privileged or confidential and may be shared with the agency that it is the subject of the complaint or other relevant parties

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Compliance Administrator

Promotes participation in the justice process by furtherance of victim healing and consistency with victims' rights

Facilitates resolution to problems with justice entities

For Victims

Helps to ensure that justice is served through upholding victims' rights

Identifies gaps in victims' rights services, and unintended (negative) consequences or non-uniform interpretation of victims' rights laws

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Compliance Administrator

Provides support and technical assistance to help agencies in performing mandated duties

Promotes accountability

For criminal and juvenile justice entities

Recommends changes to address problems

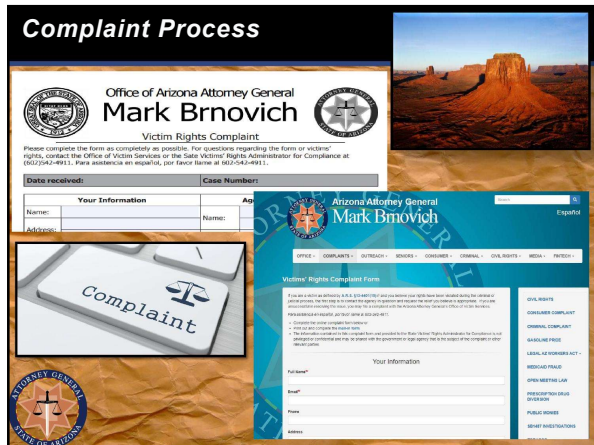
Exonerates agencies from unjustified criticism when alleged violations are unfounded

Provides feedback about areas in which agencies could improve, as well as areas in which they excel

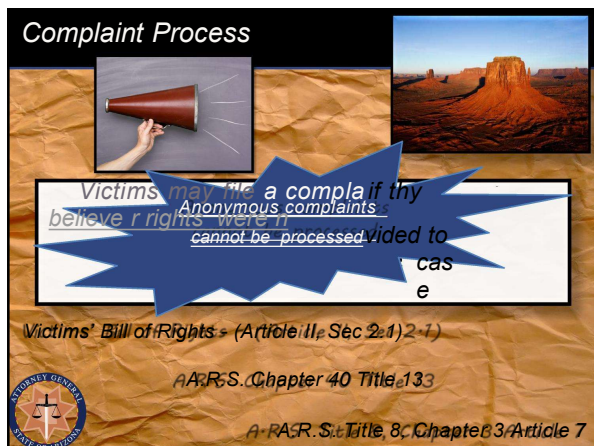
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Complaint Process

All complaints must meet the Following criteria:

- The complainant must be a crime victim, a victims' lawful representative, or legal counsel victim
- Must allege that an agency has violated victims' rights under the VIM and/or A-R-S- statutes governing victims' rights
- Must allege a victims' rights violation occurred not more than one (7) year prior to the date the complaint is received by 0115 unless the issue is ongoing



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Victim Services Inbox

INVESTIGATION LIMITATIONS

Some common complaints received that the Compliance Specialist does not have authority to investigate include:

- Civil Matters
- Mortgage Issues
- Civil Rights
- Consumer Fraud
- DCS and Child Support Enforcement

Specific charges brought against a defendant






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Complaint Process

All Complaints Must Include:

- Statement that the agency has need not identify the specific law
- Contact information for the complainant including address and telephone number
- Facts on which the allegation is based
- Name and contact information of the agency involved



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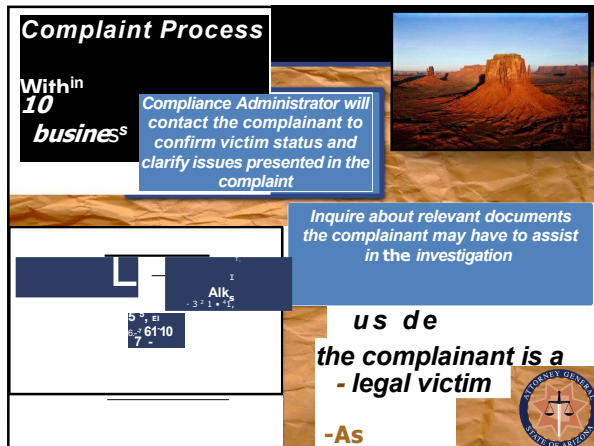
Complaint Process

Within 10 business days

Compliance Administrator will contact the complainant to confirm victim status and clarify issues presented in the complaint

Inquire about relevant documents the complainant may have to assist in the investigation

us de
the complainant is a
- legal victim
-As



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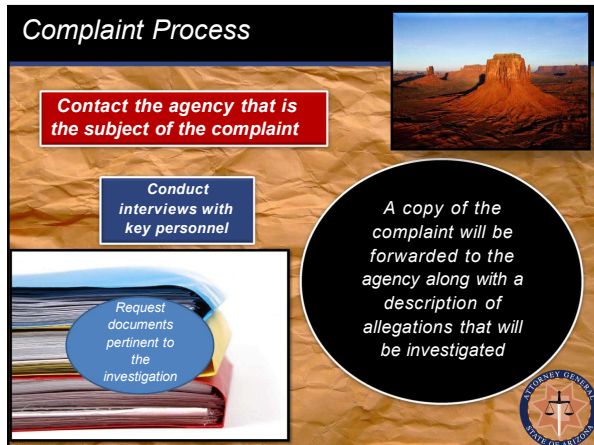
Complaint Process

Contact the agency that is the subject of the complaint

Conduct interviews with key personnel

Request documents pertinent to the investigation

A copy of the complaint will be forwarded to the agency along with a description of allegations that will be investigated



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Complaint Process

Once the investigation is completed...
and if a violation is found...

The Compliance Administrator will prepare a letter that will include conclusions specific to the complaint allegations and provide to the agency

09 separate letter to the complainant

VIOLATION



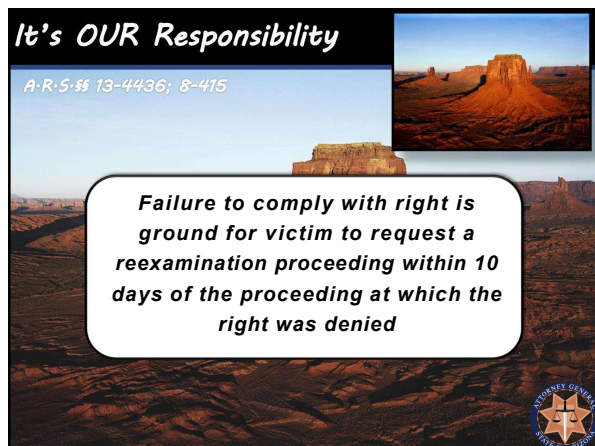
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It's OUR Responsibility

A.R.S. §§ 13-4437(A), 8-416(A)

The victim has standing to seek an order, to bring a special action or to file a notice...seeking to enforce any right or to challenge an order denying any right guaranteed to victims




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It's OUR Responsibility

A.R.S. §§ 8-416(B), 13-4437(B)

A victim has the right to recover damages from a governmental entity responsible for the intentional, knowing, or grossly negligent violation of the victims' rights under the victims' bill of rights



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It Matters: What Victim's Are Saying...

"Thank you so much for your services and assistance for I am greatly appreciative"

"I would like to sincerely and respectfully thank you for the help you've given to me. I truly believe if you wouldn't have gotten involved in my victims' rights I wouldn't have received proper and fair justice in my case"

"If it hadn't been for you, this case would not have gone in the direction it did"

"It's nice to know that I've been heard and not forgotten"

"Thank you from the bottom of my heart for taking the info provided, investigating and following through protecting victims in Arizona"

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It Matters: What Agencies Are Saying...

"Thank you for your thorough, prompt, professional, and courteous handling of this difficult matter. I want to underscore our continued commitment to preventing future issues by implementing your excellent suggestions, continued training and expanding our services to victims"

"As a result of the complaint we reviewed the VR statutes and have made significant changes as a result"

"[Staff] were very apologetic that something like this would happen and assured me they would do everything they could so it wouldn't happen again"

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Questions?



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